

Executive Office for Immigration Review (EOIR)

Office of the Director

Office of Legal Access Programs (OLAP)



Frequently Asked Questions (FAQs)

about the

List of Pro Bono Legal Service Providers

These Frequently Asked Questions (FAQs) are being provided as a public service and do not constitute legal advice or supersede statute, regulations, or case law.

EOIR welcomes suggestions and encourages the public to provide comments on these FAQs. If you have recommendations to improve these FAQs, please contact the Pro Bono List Administrator at ProBono.List.Admin@usdoj.gov.

FREQUENTLY ASKED QUESTIONS

THE LIST OF PRO BONO LEGAL SERVICE PROVIDERS

General Questions

G1. What is the List of Pro Bono Legal Service Providers or the “List”?

It is a list of the names and contact information for non-profit organizations and attorneys who have committed to providing at least 50 hours of pro bono legal services to individuals in immigration court and for non-profit referral services that refer individuals to pro bono immigration legal service providers. The List is divided by state and immigration court location and is required to be given to individuals in asylum and removal proceedings in immigration court. The List is updated quarterly, in January, April, July, and October.

G2. Where do I find the List of Pro Bono Legal Services Providers? Can I print a copy?

The List can be found online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>. An interactive map allows you to find those providers located in a particular state and immigration court. A printable copy of the List is also available by selecting the active link associated with your state or immigration court from among the links located beneath the interactive map.

G3. What are “pro bono legal services”?

“Pro bono legal services” refer to essentially free legal services provided by representatives of an organization or a private attorney to an individual in immigration court proceedings. Only some incidental charges, such as costs for filings, mailings, and copying, may be asked of the client.

G4. Why does the List provide additional information about the provider such as “asylum only” or “no detained cases”? Are there reasons why a pro bono service provider may not take my case?

Many providers are limited in the types of pro bono cases they will accept because of the mission of their organization or their funding. Limitations on the types of pro bono legal services offered by the providers in immigration court and other specializations or information about the providers are included on the List in order to help focus the individual’s search for legal assistance. Examples of the limitations on the types of pro bono cases accepted by a provider may include: asylum only cases, detained cases with criminal issues, or children’s cases. Additional helpful information, such as the languages spoken by the staff, may also be identified by the provider and included on the List.

G5. I contacted some providers on the List, but they will not accept my case “pro bono” and want to charge me a fee to take my case. Can they do that?

Yes. Providers are not required to accept every case on a “pro bono” basis or free of charge. They are required to provide at least 50 hours of pro bono legal services every year in each immigration court where their name is listed, and they may choose the cases that they accept on a pro bono basis. If the provider does not accept your case on a pro bono basis, the provider may charge a fee for representing you. Many of the non-profit organizations on the List may charge a small or reduced fee for their legal services to qualifying individuals; others, such as private attorneys, may charge reduced fees in some cases and regular attorney’s fees in others.

G6. I heard that the public may comment on applicant organizations, referral services and attorneys who are eligible to be placed on the List of Pro Bono Legal Service Providers. Where can I find the list of eligible applicants, and how can I comment on them?

Approximately 60 days before the quarterly list is published in January, April, July, and October, the names and contact information for applicant providers who appear to meet the eligibility requirements for placement on the List each quarter will be available on the comments section of our webpage at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>. The public may submit a comment on these providers either electronically on the form provided or by regular mail.

G7. What is the difference between the List of Pro Bono Legal Service Providers and the List of Free Legal Services Providers?

The List of Pro Bono Legal Service Providers was formerly known as the List of Free Legal Services Providers. A new regulation changed the name of the List from the latter to the former and also changed the List’s eligibility requirements for organizations, referral services and private attorneys. Organizations, bar associations, and attorneys on the List of Free Legal Services Providers automatically transferred to the List of Pro Bono Legal Service Providers upon the effective date of the new rule, but these providers have a deadline to reapply and meet the new eligibility requirements to remain on the List of Pro Bono Legal Service Providers. For more information about the new regulation and the eligibility requirements, please visit <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>.

G8. What is the difference between the List of Pro Bono Legal Service Providers and the Roster of Recognized Organizations and Accredited Representatives?

The List contains the names and contact information of legal service providers (organizations and attorneys) who have committed to providing at least 50 hours annually of pro bono legal services in each immigration court for which they are listed and pro bono referral services, which refer individuals to pro bono immigration practitioners). The List is updated quarterly and handed out to individuals appearing in immigration court, typically at their initial master calendar hearing.

The Roster of Recognized Organizations and Accredited Representatives (Roster) contains the names and contact information of non-profit organizations that have been recognized by the Board of Immigration Appeals under 8 CFR part 1292 that supervise

non-attorneys, called accredited representatives, who provide legal services to individuals in immigration proceedings either before the Department of Homeland Security (DHS) or both DHS and EOIR (the immigration courts and the Board of Immigration Appeals). Many recognized organizations, however, do not provide services for individuals with hearings before the immigration court. Recognized organizations also are not required to provide pro bono legal services, but they may charge only nominal fees for their legal services.

Note that many recognized organizations provide pro bono legal services as well as reduced cost legal services and are named on both the Roster and the List.

G9. How do I submit a complaint against a representative or provider on the List of Pro Bono Legal Service Providers?

A formal complaint may be submitted on the Form EOIR-44 available at <https://www.justice.gov/sites/default/files/eoir/legacy/2014/08/26/eoir44.pdf> or you may email the Pro Bono List Administrator for further instructions.

G10. What if I still have questions about the List of Pro Bono Legal Service Providers?

Visit the OLAP List webpage at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>. For additional resources, scroll to the bottom of the page, or contact the Pro Bono List Administrator by email or mail at the addresses listed below:

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Phone: 703-756-8020

G11. How can I protect myself from unauthorized practitioners?

Read the flyer “Read This Before You Take Immigration Advice” at

<https://www.justice.gov/sites/default/files/eoir/legacy/2011/06/22/UPILFlyer06222011.pdf>

G12. How can I protect myself from fraud?

Read “How to Protect Yourself from Immigration Fraud” at

<https://www.justice.gov/eoir/notarionoticenational072209>

**FREQUENTLY ASKED QUESTIONS FROM ORGANIZATIONS
APPLYING TO BE ON THE LIST OF PRO BONO LEGAL SERVICE PROVIDERS**

Organizations' Questions

O1. Why should my organization apply to be on the List of Pro Bono Legal Service Providers?

The List helps individuals who are in removal or asylum proceedings in immigration court to find local pro bono legal service providers. The List is given to all individuals appearing in immigration court, typically at their initial master calendar hearing.

O2. What types of organizations can appear on the List of Pro Bono Legal Service Providers?

Any non-profit organization established in the United States may apply to be on the List. The organization may be one that is recognized under 8 CFR part 1292, but such recognition is not required.

O3. I am with an organization that was on the List of Free Legal Services Providers on November 30, 2015, when the new rule took effect and it became the List of Pro Bono Legal Service Providers. What do I need to do to remain on the List?

You will need to reapply and establish that you meet the eligibility requirements under the new rule. Organizations and bar associations will need to reapply by November 30, 2016, or they will be removed from the List at the next quarterly update.

O4. What are the requirements for a recognized organization to get on the List?

A non-profit organization recognized under 8 CFR part 1292 must attest that it has at least one attorney or fully accredited representative eligible to practice law and who has registered with EOIR; and that it commits to providing at least 50 hours a year of pro bono legal services in each immigration court where the organization intends to be listed. The organization also must identify the immigration court or courts where it intends to provide at least 50 hours of pro bono legal services each year. Furthermore, it must specify any limitations in the provision of pro bono legal services. For example, if the organization accepts only cases involving non-detained individuals, children, asylum seekers, or individuals with criminal convictions, it must specify so.

O5. What are the requirements for an organization that is *not* recognized to get on the List?

The requirements for an organization that is not recognized are the same as those that apply to a recognized organization, except that the unrecognized organization must have a licensed attorney on staff.

O6. How does an organization calculate the 50 hours spent on providing pro bono legal services?

An organization may include out-of-court preparation time as well as in-court time in reaching the required 50 hours per year of pro bono legal services. In addition, organizations may include intake and screening time, as long as the case is referred to a pro bono attorney to complete the case in immigration court, and may count the time spent mentoring attorneys to whom the case is referred. Organizations also may add together the time spent by each of their representatives to reach 50 hours. However, the time spent assisting clients with preparing applications or other forms to be filed before USCIS does not count; only the time spent assisting clients with preparing applications or forms to be filed with the immigration court actually counts. Because it is not providing legal services in immigration court, a pro bono referral service is not required to demonstrate the 50 hours per year.,.

O7. What if I still have questions about the List of Pro Bono Legal Service Providers?

Visit the OLAP List webpage at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>. For additional resources, scroll to the bottom of the page, or contact the Pro Bono List Administrator by email or mail at the addresses listed below:

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FREQUENTLY ASKED QUESTIONS BY ATTORNEY PROVIDERS
APPLYING TO BE ON THE LIST OF PRO BONO LEGAL SERVICE PROVIDERS IN
IMMIGRATION COURT

Attorney Provider Questions

A1. I was listed individually as an attorney on the List of Free Legal Services Providers on November 30, 2015, when the new rule took effect and it became the List of Pro Bono Legal Service Providers. What do I need to do to remain on the List?

You will need to reapply and establish that you meet the eligibility requirements under the new rule. Attorneys must file their request to be included on the List of Pro Bono Legal Service Providers by May 30, 2016, or their names will be removed from the List on the following quarterly update.

A2. What are the new requirements for attorneys to get on the List?

- (1) An attorney must be licensed in the United States, eligible to practice law, and registered with EOIR;
- (2) The attorney must declare under penalty of perjury that he or she cannot provide pro bono legal services through, or in association with, an organization or referral service in a specified community because such an organization or referral service in that community is unavailable, or the range of services provided by the existing organization or referral service is insufficient to address the needs of that community. In the declaration, the attorney must describe the good-faith efforts made to provide pro bono legal services through an existing organization or referral service; And,
- (3) The attorney must commit to providing at least 50 hours annually of pro bono legal services in each immigration court where the attorney intends to be listed. He or she also must specify any limitations to the provision of pro bono legal services. For example, the attorney must specify if he or she accepts only pro bono cases involving non-detained individuals, children, asylum seekers, or individuals with criminal convictions.

A3. There is a new requirement for attorneys to demonstrate the “good-faith efforts” made to provide pro bono legal services through, or in association with, a non-profit organization or pro bono referral service. What does this mean?

An attorney must submit a declaration, signed under penalty of perjury, detailing the efforts made to volunteer and work through, or in association with, a non-profit organization or referral service in a specified community to provide pro bono legal services in immigration court. If the attorney can volunteer to provide pro bono legal services through such organizations/referral programs, there is no need for counsel to

apply individually to be on the List. If there are no organizations/referral programs providing the pro bono legal services offered by the attorney in immigration court, however, or if the organization's services are insufficient to meet the needs of the community, he or she may still apply individually to be included on the List.

A4. What type of information is expected in the “good-faith efforts” declaration?

A “good-faith efforts” declaration should include the phone number, email, physical address and website for the organizations/referral services in the specified community contacted by the attorney, the name of the individual(s) spoken with at the organization(s), and dates and times of those communications. If the organizations/referral programs are unable to accept a private attorney as a volunteer or refer pro bono immigration court cases to him or her, the declaration should explain why the organizations/referral programs will not accept his or her assistance. The explanation may be that the range of pro bono legal services that the attorney provides is not offered through the organizations/referral programs, or that the immigration legal services provided by the organizations/referral programs in the specified community are insufficient to address the needs of the community. The attorney also may submit documentation to support his or her declaration. [See this sample declaration.](#)

A5. In calculating the 50 hours per year of pro bono legal services, may I count the time spent filling out USCIS forms?

Providers may include both in-court time and out-of-court preparation time in calculating the 50 hours per year of pro bono legal services. The time spent assisting clients with preparing applications or other forms to be filed before USCIS does not count; only the time spent assisting clients with preparing applications or forms to be filed with the immigration court counts.

A6. What if I still have questions about the List of Pro Bono Legal Service Providers?

Visit the OLAP List webpage at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>. We have additional resources at the bottom of the page or contact the Pro Bono List Administrator by email or mail at the addresses listed below:

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FREQUENTLY ASKED QUESTIONS REGARDING THE APPLICATION PROCESS FOR THE LIST OF PRO BONO LEGAL SERVICE PROVIDERS

Application Process Questions

P1. How do I apply to be on the List?

You may fill-out the Form EOIR-56, Request to be Included on the List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings. It is the recommended means of applying to be on the List as it identifies all of the required information needed to establish eligibility. An applicant also may submit a declaration, signed under penalty of perjury, containing all the information necessary to establish eligibility to be included on the List.

P2. Where can I find the application, Form EOIR-56?

Form EOIR-56 can be found online at EOIR's downloadable forms webpage at <https://www.justice.gov/sites/default/files/pages/attachments/2015/11/30/eoir-56.pdf>. You can also find a link to the form on OLAP's webpage at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>.

P3. Can I submit my completed application form electronically or online?

No. At this time the application may be filled out online, but it must be printed out and submitted by regular mail as instructed on the form and on OLAP's webpage at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers-map>.

P4. I noticed that in Part 2 of the Form there is space for only one address, but my organization has two office locations we would like listed. How does my organization reflect two office locations on the Form?

You may either put two addresses on the same line, for example, 555 Main Street, and 222 Side Road, Anwhere, Anystate, ZIP for Main Street/ Zip for Side Road, or you can attach a separate sheet of paper identifying the second address and stating that you would like both addresses to be listed for each immigration court. We are assuming that all the other information in the form is the same for both address locations. Aside from the physical addresses, if there is other information that is different for each location, then a separate application should be submitted for each location.

P5. Our organization receives mail at a P.O. Box. In Part 2 of the Form, do we enter the P.O. Box as our address or must we include a physical address?

If you are applying as an organization or attorney, you must include a physical address where clients can locate you. If you receive mail at a P.O. Box, you may also include the P.O. Box and indicate that it is your preferred mailing address. Both addresses, the P.O. Box and the physical address, would appear on the List.

P6. What deadlines are there for submission of my initial application to appear on the List of Pro Bono Legal Service Providers?

An application must be submitted at least 60 days prior to the publication of the next quarterly list, that is, 60 days prior to January 1, April 1, July 1, or October 1, for it to be considered for that quarter. Otherwise, the application will be held and not considered until the next quarter.

P7. I am a provider who was on the List of Free Legal Services Providers on November 30, 2015, when the new rule took effect and it became the List of Pro Bono Legal Service Providers. What do I need to do to remain on the List?

You will need to reapply and establish that you meet the eligibility requirements under the new rule. Private attorneys must submit an application by May 30, 2016, and organizations and bar associations must reapply by November 30, 2016.

P8. How do I update my address or other information on the List?

Providers may submit a request to update their contact information by email to: ProBono.List.Admin@usdoj.gov.

P9. What if I still have questions about the List of Pro Bono Legal Service Providers?

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FREQUENTLY ASKED QUESTIONS REGARDING THE RECERTIFICATION PROCESS FOR THE LIST OF PRO BONO LEGAL SERVICE PROVIDERS

Recertification Process Questions

R1. I was on the List of Free Legal Services Providers on November 30, 2015, when the new rule took effect and it became the List of Pro Bono Legal Service Providers. Do I need to recertify my eligibility to remain on the List?

No. Recertification does not apply to providers on the former List of Free Legal Services Providers. Providers on the List at the time of the effective date of the new rule on November 30, 2015, however, must reapply and establish that they meet the eligibility requirements under the new rule. To avoid being removed from the List, attorneys must reapply by May 30, 2016, and organizations and bar associations must reapply by November 30, 2016. Recertification of eligibility to remain on the List applies prospectively to providers who are approved under the new rule.

R2. When does the three-year recertification period begin for purposes of calculating the 50 hours of pro bono legal services to be provided annually in each immigration court listed?

The three-year period for recertification begins in the month the provider is approved to appear on the List of Pro Bono Legal Service Providers. For example, a provider who is approved by OLAP to appear on the List in April 2016 will be required to demonstrate 50 hours of pro bono legal services annually in each immigration court listed for each of the next three years. Specifically, the provider will need to show 50 hours of pro bono legal services from April 1, 2016, to March 30, 2017, an additional 50 hours of pro bono legal services from April 1, 2017, to March 31, 2018, and an additional 50 hours of pro bono legal services from April 1, 2018, to March 31, 2019. The provider will then need to file for recertification of eligibility prior to April 1, 2019.

R3. How does an organization recertify its eligibility to remain on the List?

To recertify, an organization may submit the Form EOIR-56 or a declaration, signed under penalty of perjury, certifying that it is eligible to remain on the List. The organization must certify that it performed at least 50 hours of pro bono legal services in each of the past three years and that it still meets the other eligibility requirements necessary to remain on the List. The organization also must list the alien registration numbers of the individuals for whom pro bono legal services were provided and, if available, the EOIR eRegistration number of the attorney or fully accredited representative who provided those services.

R4. How does an attorney recertify his or her eligibility to remain on the List?

To recertify, an attorney may submit the Form EOIR-56 or a declaration, signed under penalty of perjury, certifying that he or she is eligible to remain on the List, and includes a good faith statement that the attorney is unable to provide pro bono legal services

through or in association with a non-profit organization providing pro bono immigration legal services in that community. The attorney also must certify that he or she performed at least 50 hours of pro bono legal services in each of the past three years.

R5. What does a pro bono referral service need to show for recertification?

To recertify, a pro bono referral service must demonstrate that it continues to meet the eligibility requirements and that it will continue to refer individuals to representatives who will appear on their behalf on a pro bono basis in immigration court.

R6. What if I still have questions about the List of Pro Bono Legal Service Providers?

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